

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Arnold Johnson,

Civil No. 08-4717 (DWF/RLE)

Plaintiff,

v.

ORDER

Officer Derek Peters, Officer Jeremiah
Lund, Officer Robb Schrom,
Sergeant Kelly Simondet, and the
St. Cloud Police Department,

Defendants.

Kim Allen Pennington, Esq., and Michael S. Gaarder, Esq., Pennington & Lies, PA,
counsel for Plaintiff.

Joseph E. Flynn, Esq., and Jessica E. Schwie, Esq., Jardine Logan & O'Brien PLLP,
counsel for Defendants.

This matter is before the Court on Defendants' motion for summary judgment (Doc. No. 14). Plaintiff's Complaint originally pled six counts: (1) "42 U.S.C. § 1983 Against Individual Defendants," (2) "Assault and Battery Against Individual Defendants," (3) battery, (4) false imprisonment, (5) "42 U.S.C. § 1983 Against St. Cloud Police Department," and (6) negligence. Pursuant to stipulations, Count V, the only count against the St. Cloud Police Department, was previously dismissed.

With respect to the remaining counts, the Court grants summary judgment with respect to Counts II, III and VI and denies summary judgment with respect to Counts I, and IV. A memorandum opinion will follow.

Based on the foregoing, and all the files, records and proceedings herein, **IT IS**
HEREBY ORDERED that:

1. Defendants' motion for summary judgment (Doc. No. 14) is **GRANTED**
IN PART (with respect to Counts II, III and VI) and **DENIED IN PART** (with respect to
Counts I, and IV).

Dated: November 9, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge